

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	CRIMINAL ACTION NO.
v.	§	
	§	3:15-CR-431-K (01)
MAN KHAC NGUYEN	§	
	§	
Defendant.	§	

**ORDER**

On November 30, 2015, pursuant to 18 U.S.C. § 4241(a), this Court ordered a mental examination of Defendant Man Khac Nguyen to determine defendant's mental competency. The Court has reviewed the Psychological Evaluation Report ("Report") by Robert Johnson, PhD., and Lisa Bellah, Ph.D., filed on January 15, 2016, that addresses the issue of competency to stand trial. In addition, on March 7, 2015, U.S. Magistrate Judge Paul D. Stickney conducted a hearing pursuant to 18 U.S.C. § 4247(d). The defendant, defense counsel, and counsel for the government were present for the hearing. Judge Stickney considered the Report by Robert Johnson, PhD., and Lisa Bellah, Ph.D, and issued his Findings, Conclusions and Recommendation of the United States Magistrate Judge (Doc. No. 99), to which this Court adopted on this same day. The Court finds that Defendant Man Khac Nguyen is incompetent to stand trial.

Therefore, the Court finds by a preponderance of the evidence that Defendant

Man Khac Nguyen is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to properly assist in his defense

It is therefore **ORDERED** pursuant to 18 U.S.C. § 4241(d), that Defendant Man Khac Nguyen be, and is hereby, committed to the custody of the Attorney General for treatment in a suitable facility:

- (1) For such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is substantial probability that in the foreseeable future he will attain the capacity to permit the trial to proceed; and
- (2) for an additional reasonable period of time until -
  - (A) his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such period of time he will attain the capacity to permit the trial to proceed; or
  - (B) the pending charges against him are disposed of according to law; whichever is earlier.

It is further **ORDERED** that the provisions of 18 U.S.C. § 4247 regarding reports to the court shall be followed.

It is further **ORDERED** that in the event that Defendant Nguyen is restored to competency, he shall not be immediately returned to resume court proceedings. Instead, Defendant Nguyen shall stay at the designated facility until his return is ordered by the Court or the Court orders further evaluation under 18 U.S.C. § 4242(a).

If the Court so orders further examination under 18 U.S.C. § 4242(a), this examination shall take place within 45 days from the date his competency is restored.

The Court strongly recommends that the defendant be sent a Bureau of Prisons facility in the Texas area, in order to attempt to restore competency.

SO ORDERED.

Signed this 23<sup>rd</sup> day of March, 2015.

  
ED KINKEADE  
UNITED STATES DISTRICT JUDGE